

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

October 24, 2000

GSBCA 15400-RELO

In the Matter of POLLY BOX

Polly Box, Hopkinton, MA, Claimant.

Kathleen W. San Salvador, Authorized Certifying Officer, National Finance Center, Office of the Chief Financial Officer, Department of Agriculture, New Orleans, LA, appearing for Department of Agriculture.

DeGRAFF, Board Judge.

A spouse can accompany a transferred employee on a househunting trip at Government expense, even if the spouse and the employee are not living in the same household at the time of the trip.

Background

In late 1999, the United States Department of Agriculture (USDA) transferred Polly Box from Arkansas to Massachusetts. In connection with her transfer, Ms. Box told USDA that her daughter was the only member of her immediate family who would move with her to Massachusetts and that her daughter would accompany her on a househunting trip. Ms. Box did not state either that she had a spouse or that, if she had one, he would move to Massachusetts or travel there to look for housing. USDA prepared Ms. Box's travel orders to authorize househunting trip expenses for her alone, and to show that only her daughter would move to Massachusetts with her.

On January 3, 2000, two days before Ms. Box began her househunting trip, she asked USDA if she could take a friend with her on the trip. The agency explained that she could do so, but not at Government expense. The next day, Ms. Box told the agency that her husband would accompany her on the househunting trip, which he did. On January 10, Ms. Box told USDA that due to her husband's job, he was not going to move to Massachusetts when she transferred there, and that she did not know exactly when he would move. Ms. Box reported to her new duty station in Massachusetts on January 16. On February 2, she told USDA that her husband would be moving at a later date and she asked USDA to amend her travel orders to include him. USDA amended Ms. Box's travel orders

on February 9, authorizing her spouse to accompany her on the househunting trip and showing him as a member of her immediate family who would move to Massachusetts. After USDA amended Ms. Box's travel orders, it learned that Ms. Box and her husband had been living apart for quite some time. Although the paperwork needed to obtain a divorce had been prepared, no divorce had been granted as of mid-May 2000.

USDA wonders whether it is appropriate to reimburse Ms. Box for Mr. Box's househunting trip expenses if Mr. Box was not a member of Ms. Box's immediate family. As USDA points out, an employee's immediate family consists of members of the employee's household at the time the employee reports for duty at the new duty station, 41 CFR 302-1.4 (1999), and it is questionable whether Mr. Box was a member of Ms. Box's household at the time she reported for duty in Massachusetts.

Discussion

An agency's authority to reimburse a transferred employee for some types of relocation expenses depends upon whether a person is a member of an employee's immediate family. For example, the regulations applicable to residence transaction expenses provide that if an employee sells his house at his old duty station and the house was jointly owned by the employee and another person, the agency can reimburse the employee for all of the allowable home sale expenses only if the joint owner was a member of the employee's immediate family. 41 CFR 302-6.1.

An agency's authority to reimburse a transferred employee for other types of relocation expenses, however, does not depend upon whether someone is a member of an employee's immediate family. For example, the regulations governing househunting trips say that a spouse may accompany an employee on a househunting trip at Government expense, but they do not require the spouse to be a member of the employee's immediate family. 41 CFR 302-4.7.

Whether Mr. Box was a member of Ms. Box's immediate family is irrelevant in determining whether USDA may reimburse her for his househunting trip expenses. According to the regulations governing househunting trips, all that matters is whether he was her spouse. Because Mr. and Ms. Box were married when he accompanied her on the househunting trip, USDA's authorization to allow Mr. Box to accompany Ms. Box on the househunting trip was proper. USDA should reimburse Ms. Box for Mr. Box's househunting trip expenses.

MARTHA H. DeGRAFF
Board Judge